



PUBLIC NOTICE

File # NR17MS.005

Pursuant to Chapter 0400-40-07 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (ARAP) and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

PERMIT COORDINATOR

Dan Murray
865-594-5549
Dan.Murray@tn.gov

APPLICANT

Mr. Kevin Cook, Environmental Manager
Nyrstar Tennessee Mines – Gordonsville, LLC
120 Zinc Mine Circle
Gordonsville, TN 38563

LOCATION

Elmwood Tailings Impoundment, Gordonsville, TN.
Latitude 36.217514, Longitude -85.91115

PROJECT DESCRIPTION/PURPOSE

Nyrstar TN Mines has applied to renew authorization under an individual ARAP for stream alteration activities associated with increasing the size of the existing Elmwood tailings impoundment. The Elmwood tailings impoundment was originally constructed in 1974, prior to Tennessee's Water Quality Control Act of 1977. Approximately 4260 linear feet of stream has been eliminated by the existing impoundment and deposited tailings material. Nyrstar proposes to raise the height of the dam approximately 75 feet (crest elevation 650 feet) increasing the capacity of the impoundment. This activity would result in the eventual elimination of an additional 1020 linear feet of stream.

All alterations and the pursuant mitigation are to occur within the Caney Fork River watershed (HUC 051301080908) and will result in no net loss of resource value. Nyrstar proposes to develop the mitigation prior to and concurrent with enlarging the tailings impoundment. In total, Nyrstar proposes 1615 linear feet of stream mitigation with a combination of replacement, restoration and enhancement activities. The mitigation will occur on two separate streams within HUC 051301080908. Nyrstar proposes to mitigate at the first unnamed tributary by conducting 680 linear feet of replacement and 111 linear feet of enhancement activities on an unnamed tributary to Caney Fork. The stream being restored and enhanced is located adjacent to the stream being eliminated. This stream reach has been previously impounded, encapsulated and altered by mining related activities and agricultural practices (livestock grazing). Additionally, Nyrstar has completed construction activities to restore and stabilize 385 linear feet and enhance 439 linear feet on a second unnamed tributary to Caney Fork that flows adjacent to its Gordonsville facility. Nyrstar has identified reference streams in HUC 05130108 for comparison and assessment of the mitigation stream reaches. The reference stream for the first mitigation reach is an unnamed tributary to Little Indian Creek and the reference stream for the second mitigation reach is Wolf Creek

POINTS OF IMPACT

Impact 1: Nyrstar proposes to raise the height of the tailings dam approximately 75 feet (crest elevation 650 feet, final build out) increasing the capacity of the impoundment. Currently stage 4 has been completed with a crest of 575 feet. Stage five is under construction and will crest at 582 feet.

Impact 2: Unnamed tributary to Caney Fork (1) at Elmwood - Nyrstar proposes to mitigate at the first unnamed tributary by conducting 680 linear feet of replacement and 111 linear feet of enhancement activities on an unnamed tributary to Caney Fork. The stream being restored and enhanced is located adjacent to the stream being eliminated. This mitigation reach has been previously impounded, encapsulated and altered by mining related activities and agricultural practices (livestock grazing).

Impact 3: Unnamed tributary to Caney Fork (2) at Gordonsville - Nyrstar has completed construction activities to restore and stabilize 385 linear feet and enhance 439 linear feet on a second unnamed tributary to Caney Fork that flows adjacent to its Gordonsville facility. Monitoring of this mitigation stream reach shall continue until it demonstrates mitigation goals have been met.

WATERSHED/WATERBODY DESCRIPTION: The affected waters are in the Cumberland River Basin – Caney Fork River Watershed (HUC TN051301080908). For more information on this or any Tennessee watershed, please visit our [TN Basins webpage](#).

Ecoregion

71h Outer Nashville Basin

Stream Name / ID:

Unnamed tributary to Caney Fork / TN05130108001_0999

Designated Use	Use Support	Causes	Sources
livestock watering & wildlife	not assessed		
irrigation	not assessed		
recreation	not assessed		
fish & aquatic life	not assessed		

To view the proposed location of these impacts and the watershed condition visit <http://tdeconline.tn.gov/dwr/> and search the file/permit number listed in the title of this Public Notice.

DETERMINATIONS

In Accordance with the Tennessee Antidegradation Statement (*Rule 0400-40-03-.06*), the Division has made a preliminary determination that the proposed activities will not result in greater than *de minimis* degradation to water quality. The applicant proposes offset impact by in-system compensatory mitigation.

FACTORS CONSIDERED

In deciding whether to issue or deny a permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The Division shall consider practicable alternatives to the alteration. The Division shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

HOW TO COMMENT

Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within THIRTY (30) DAYS of the date that this notice is posted. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing. Send all public hearing requests to the Division's address listed below and to the attention of the permit coordinator.

APPEAL

Please be advised that a petition for permit appeal may be filed, pursuant to *T.C.A. Section 69-3-105, subsection (i)* and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas. A copy of the filing should also be sent to TDEC's Office of General Counsel. The mailing addresses follow:

Tisha Calabrese Benton
Acting Technical Secretary
Board of Water Quality, Oil and Gas
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 12th Fl
Nashville, TN 37243-1102

Jenny L. Howard-General Counsel
Office of General Counsel
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 2nd Fl
Nashville, TN 37243-1102

Any hearing would be in accordance with *T.C.A. §§69-3-110 and 4-5-301 et seq.*

FILE REVIEW

Copies of the permit application, supporting documentation including detailed plans and maps are available for review on the internet at the Division's [Water Resources Permit Data Viewer](#). The file may be viewed in person at the Division's address (listed below) for review and/or copying.

Kara Blevins (865) 594-5460
Tennessee Department of Environment & Conservation
Division of Water Resources - Mining Section
3711 Middlebrook Pike
Knoxville, TN 37921-6538

